

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 5:11CR17

**DAVID L. KIDD, II,
CHRISTOPHER L. GRIGG, aka "POOKS",
RICHARD ROUSH, aka "RICK",
ROBYN JONES,
JENNIFER KENNEDY,
CRAIG VEGA, aka "INKY",
JOSH MONTGOMERY, aka "DIDDLE",
BRANDON P. McCOURT,
PETER POON,
GEORGANN DZIORNEY,
KRISTIN ANDERSON,
MEGAN TERLOSKY,
ERIC TERLOSKY,
DONNA A. JONES,
DAVID TERRY WOOD, II, aka "JR",
FRED WILDERN, JR., aka "FAST
FREDDY",
HEATHER BURKEY,
JENNIFER JOHNSON, aka "JJ", and
RICHARD DONNELLY, aka "BUBBA",**

Defendants.

NOTICE OF INTENT TO REQUEST FOR COMPLEX CASE DESIGNATION

Now comes the United States of America and William J. Ihlenfeld, II, United States Attorney for the Northern District of West Virginia, by John C. Parr, Assistant United States Attorney for said District and files this request to have the case designated as a Complex Case pursuant to the Local Rule of Criminal Procedure 16.01.

Basis for Request to Declare Case as Complex

1. This case is the result of a long term investigation conducted by multiple agencies across multiple states, including the Drug Enforcement Administration, the West Virginia State Police, the Ohio Valley Drug Task Force, the Internal Revenue Service, Moundsville Police Department, Marshall County Sheriff's Office, Martins Ferry, Ohio Police Department, and Central Florida HIDTA, involving interviews of multiple witnesses, including some defendants, Grand Jury subpoenaed records and testimony, controlled buys, Court authorized pen registers, multiple searches, global positioning records, surveillance recordings and other materials. The United States anticipates disclosing approximately 3,000 pages of investigative material, and more than 30 video segments.

2. The Superseding Indictment includes nineteen defendants and two unindicted co-conspirators who have entered into separate plea agreements with the United States, and are scheduled to plea before the Court on June 20, 2011 and July 5, 2011. The Superseding Indictment includes three interrelated conspiracy counts for drug distribution, money laundering and interstate travel.

3. To date, the United States has discussed with six of the fifteen attorneys currently assigned to defendants in this case, all of which are in agreement with a Complex Case designation. The United States has by email notified all counsel of its intention with suggested dates and anticipates discussing with all counsel at the time of arraignment on June 20, 2011, the possibility of the Complex Case designation. If all are in agreement, the United States would file an agreed upon Complex Case Scheduling Order pursuant to Local Rules 16.01(h).

4. To date, there are five defendants who have yet to make appearance within the Northern District of West Virginia. Three of those defendants are located in the State of Florida, one in the Southern District of West Virginia, and one is a fugitive believed to be in the State of Nevada. When those individuals make appearances within the district, the United States will contact those individuals to seek their agreement with the designation as well. The trial schedule may need to be altered pursuant to 18 U.S.C. § 3161, when those individuals make their initial appearance in this district. However, based upon the typical arrangements of the United States Marshal airlifts, it is anticipated that the scheduling order being presently discussed among parties will provide those individuals with sufficient time to meet all deadlines as well.

5. The designation of the case as a Complex Case would mean under Title 18, United States Code, Section 3161(h)(7)(A) that all times prior to trial will be considered excludable time.

WHEREFORE the United States requests the Court for designation of this case as a Complex Case under Local Rule of Criminal Procedures 16.01(h).

Respectfully submitted,

WILLIAM J. IHLENFELD, II
United States Attorney

By: /s/ John C. Parr
John C. Parr
Assistant United States Attorney/Bar Number: 2819
United States Attorney's Office
1125 Chapline Street, Suite 3000
Wheeling, West Virginia 26003
Telephone: (304) 234-0100
Fax: (304) 234-0111
E-mail: John.Parr@usdoj.gov

CERTIFICATE OF SERVICE

I, John C. Parr, Assistant United States Attorney for the Northern District of West Virginia, hereby certify I electronically filed the UNITED STATES' NOTICE OF INTENT TO REQUEST FOR COMPLEX CASE DESIGNATION with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Brendan S. Leary, Esq.
1125 Chapline Street, Rm. 208
Wheeling, WV 26003
Counsel for David L. Kidd, II

Stephen D. Herndon, Esq.
76 - 15th Street
Wheeling, WV 26003
Counsel for Craig Vega

Elgine Heceta McArdle, Esq.
Board of Trade Building, Suite 206
80 Twelfth Street
Wheeling, WV 26003
Counsel for Brandon McCourt

William Pennington, Esq.
PO Box 891
Morgantown, WV 26505
Counsel for Georgann Dziorney

Jeff Harris, Esq.
P.O. Box 4522
Morgantown, WV 26504
Counsel for Megan Terlosky

Jay T. McCamic, Esq.
56-58 14th Street
Wheeling, V 26003
Counsel for Christopher L. Grigg

Franklin Lash, Esq.
P.O. Box 6676
Wheeling, WV 26003
Counsel for Josh Montgomery

William Chad Noel, Esq.
P.O. Box 822
Morgantown, WV 26507-0822
Counsel for Peter Poon

Ailynn M. Ortega, Esq.
237 Grandview Ave
Morgantown, WV 26501
Counsel for Kristin Anderson

Paul J. Harris, Esq.
Shawn L. Fluharty, Esq.
Fifteenth & Eoff Streets
Wheeling, WV 26003
Counsel for Eric Terlosky

Darrell W. Ringer, Esq.
114 high Street
Morgantown, WV 26505
Counsel for David Terry Wood, II

DeAndra Burton, Esq.
P.O. Box 1197
Morgantown, WV 26505
Counsel for Jennifer Johnson

Jacob M. Robinson, Esq.
1140 Main Street, 3rd Floor
Wheeling, WV 26003
Counsel for Fred Wildern, Jr.

Michael E. Nogay, Esq.
PO Box 3095
Weirton, WV 26062
Counsel for Richard Donnelly

Dated: June 16, 2011.

By: /s/ John C. Parr
John C. Parr
Assistant United States Attorney/Bar Number: 2819
United States Attorney's Office
1125 Chapline Street, Suite 3000
Wheeling, West Virginia 26003
Telephone: (304) 234-0100
Fax: (304) 234-0111
E-mail: John.Parr@usdoj.gov